

Message Text

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10
ACTION EA-10

INFO OCT-01 ISO-00 IO-10 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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R 120707Z MAY 75
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC 9987

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E.O. 11652: N/A
TAGS: PINT PFOR KS
SUBJECT: INTERPRETATION OF ANTI-SLANDER LAW

REF: STATE 66660

1. ON MAY 9 MOFA AMERICAN AFFAIRS BUREAU DIRECTOR CALLED IN POLCOUNS TO DELIVER MOFA NOTE ANSWERING QUESTIONS ON ANTI-SLANDER LAW RAISED IN REFTEL.
2. FOLLOWING ARE MAIN POINTS OF NOTE IN ENGLISH LANGUAGE VERSION PROVIDED BY MOFA (UNNECESSARY WORDS OMITTED):

" A. WITH REGARD TO DEFAMATION OF THE STATE AND OTHERS, CLAUSE 1 OF SECTION II PROVES FOR CRIMES COMMITTED ABROAD BY DOMESTIC PERSONS WHO HOLD ROK NATIONALITY WHILE CLAUSE 2 OF SAME SECTION PROVIDES FOR CRIMES COMMITTED IN COUNTRY BY DOMESTIC PERSONS. THEREFORE, THE PROVISION OF REVISED CRIMINAL CODE DOES NOT APPLY TO CITIZENS OF OTHER NATIONS WHO STAY IN ROK.

B. SINCE THE PROVISION OF REVISED CRIMINAL CODE APPLIES TO ALL DOMESTIC PERSONS WHO HOLD NATIONALITY OF THE ROK, IT IS ALSO APPLICABLE TO THOSE DOMESTIC PERSONS WHO ARE EMPLOYED BY UNITED STATES

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GOVERNMENT OR PRIVATE ORGANIZATIONS.

C. THE PROVISIONS OF REVISED CRIMINAL CODE APPLIES
TO KOREAN NATIONALS WHO RESIDE IN THE US SO LONG AS
THEY HOLD ROK NATIONALITY. IT CERTAINLY APPLIES TO
KOREAN NATIONALS VISITING US.

D. THE PROVISION OF REVISED CRIMINAL CODE APPLIES TO
THOSE PERSONS WHO HOLD DUAL NATIONALITIES OF ROK AND US
INSOFAR AS THEY HAVE NOT RENOUNCED KOREAN NATIONALITY.

3. FULL TEXT OF NOTE BEING POUCHED."
SNEIDER

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